

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARRY DEAN MILLER,

No. C 07-3662 SI (pr)

Petitioner,

ORDER OF TRANSFER

v.

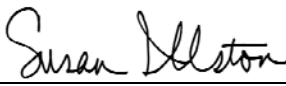
BEN CURRY, warden,

Respondent.

Barry Dean Miller has filed a petition for writ of habeas corpus to challenge the sentence imposed on his 2002 conviction in Madera County Superior Court. Madera County lies within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a conviction or the sentence imposed is preferably heard in the district of conviction. See Habeas L.R. 2254-3(b). Because the conviction and sentence occurred in the Eastern District of California, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: July 23, 2007



SUSAN ILLSTON
United States District Judge